

# ADDRESSING STAFFING CHALLENGES IN FEDERAL PRISONS



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**Texas Public Policy**  
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## Table of Contents

Executive Summary . . . . .	3
Is BOP Meeting Its Staffing Needs? . . . . .	4
<i>Public Consensus of a BOP Staffing Shortage</i> . . . . .	4
<i>BOP Staffing by the Numbers.</i> . . . . .	4
Potential Sources and Ramifications of Staffing Struggles at BOP. . . . .	5
<i>Staffing Challenges at BOP</i> . . . . .	5
<i>Consequences of a Staffing Shortfall.</i> . . . . .	6
Recommendations to Improve Staffing at BOP. . . . .	7
<i>Additional Oversight and Transparency</i> . . . . .	7
<i>Grant Agencywide Direct Hire Authority to BOP</i> . . . . .	8
<i>Expanded Use of Veterans' Recruitment Appointment Usage.</i> . . . . .	8
<i>Better Utilization of Financial Incentives</i> . . . . .	8
<i>Improve BOP's Facilities.</i> . . . . .	9
<i>Reducing the Custodial Population.</i> . . . . .	10
Conclusion. . . . .	10
References . . . . .	12

# Addressing Staffing Challenges in Federal Prison

Lars Trautman

## Executive Summary

Occurring sometimes over the course of years or even decades, the incapacitation and rehabilitation of individuals in correctional facilities serve as the core of the criminal justice system's efforts to prevent future crimes and restore communities. At the federal level, this work is overseen by the Bureau of Prisons (BOP), which directly manages 122 facilities and, as of October 1, 2021 (the start of FY 2022), employed 37,834 staff members, who were collectively responsible for 155,826 individuals in custody ([Federal Bureau of Prisons, n.d.-a](#); [Federal Bureau of Prisons, n.d.-c](#)). Increasingly, however, internal and external stakeholders of all backgrounds are raising the alarm that these staff numbers are not nearly high enough. The situation has been called a "crisis" by the union representing BOP employees ([Fausey, 2021](#)), and BOP Director Michael Carvajal stated in April 2021 that increasing staffing at correctional institutions nationwide was one of his top priorities ([Carvajal, 2021](#)). Addressing a perceived shortage of workers at BOP has even received united, bipartisan focus from a notoriously fractious Congress ([Letter from Sens. Joni Ernst et al., 2020](#)).

These calls frequently cite the many staffing challenges that BOP faces, which range from sometimes remote locations and poor compensation to the fact that a prison represents a far-from-ideal work environment to most people. Unfortunately, while many possible sources of a staff shortage are readily identifiable, the scope of this potential problem is still effectively unknowable due to a lack of available staffing data and a failure on the part of BOP to adequately identify, assess, and analyze its staffing issues. This is especially frustrating given that the consequences of a potential staff shortfall could reverberate dangerously inside and outside of BOP's facilities. Within BOP, low staff numbers can increase burnout, lower morale, and raise safety risks for existing staff, further exacerbating staffing challenges by adding retention issues to those of recruitment. Incarcerated individuals likewise can face safety problems and fewer programming options and services. As a result, poor staffing numbers can shortchange the rehabilitative aims of the justice system, raising the risks to the broader community through even higher recidivism numbers.

While any attempt to address staffing woes at BOP must start with a fuller accounting of its actual needs and existing resources as well as better accountability for its staffing decisions, the potential negative ramifications of a staff shortage may nevertheless make interim action advisable. Direct Hire Authority and the expanded use of Veterans' Recruitment Appointment, along with additional financial incentives, could provide some degree of immediate relief. In the long term, policymakers could further ameliorate recruitment and retention

## Key Points

- Internal stakeholders and external observers have publicly raised the alarm that the Federal Bureau of Prisons (BOP) is in the midst of a staffing crisis, which is especially acute for correctional officers.
- Although a host of staffing challenges at BOP are readily identifiable, a lack of publicly available data makes it impossible to determine the exact extent of any staff shortfall.
- A staff shortfall at BOP could degrade facility safety, increase employee burnout and health risks, and impair inmate rehabilitation efforts.
- One of the greatest staffing challenges BOP faces is inadequate information on its staffing needs. Any effort to bolster BOP staffing should begin with a more comprehensive, public accounting of BOP staffing needs and resources.

difficulties by implementing structural changes to BOP operations that advance other important goals relating to public safety. This includes increased investment in and the restructuring of BOP's facilities as well as alterations to the criminal law and practice to reduce unnecessary incarceration, thereby lowering the number of staff required at BOP and potentially increasing the quality of life for its staff.

## Is BOP Meeting Its Staffing Needs?

### *Public Consensus of a BOP Staffing Shortage*

In recent years, a growing chorus of individuals with firsthand experience with BOP's staffing levels as well as interested external observers publicly decried the staffing situation at BOP. The main union representing BOP staff, for example, has repeatedly denounced low staffing levels, with its president stating in June 2021 that there is "a clear and dangerous staffing crisis in the Bureau of Prisons" and staff must "endure unrelenting overtime" (quoted in [Swan, 2021, para. 11](#)). The union has also led protests to raise attention to low staff levels ([Harmon, 2021](#)) and has even gone so far as to spend union funds to promote hiring events on social media ([Swan, 2021](#)). Likewise, members of Congress from both parties have called attention to BOP staffing problems, with nearly half the Senate signing on to a public letter in March 2020 condemning a staffing shortage and demanding action ([Letter from Sens. Joni Ernst et al., 2020](#)). In October 2021, the U.S. attorney general, rather than attempt to defend current staffing practices as adequate, stated, "I agree this is a serious problem at the Bureau of Prisons" ([Garland, 2021, 3:40:10](#)).

This picture is supplemented by individual reports of shortages at facilities in the BOP system. For example, one report indicated that the Federal Correctional Institution (FCI) Mendota in California was so understaffed in May 2021 that it lacked enough staff to respond to an inmate suicide and, at the time, relied upon augmentation—a policy requiring non-correctional officer employees, such as administrative or medical staff, to assume the security—providing duties of a correctional officer for a shift—to fill half of its correctional officer roles ([Balsamo & Sisak, 2021](#)). Likewise, the Department of Justice Office of the Inspector General found that Federal Correctional Complex (FCC) Coleman in Florida had only 80% of its authorized medical positions actually filled at the start of the COVID-19 pandemic ([Office of the Inspector General, 2021](#)). There is also at least one report of a BOP facility so understaffed that it had to reduce the programming and services that it provides, including by limiting visitation and keeping inmates in their cells for longer periods of time ([Associated Press, 2021](#)).

### *BOP Staffing by the Numbers*

Although there is clear agreement among relevant stakeholders that BOP staff levels are too low, and possibly dangerously so, supporting these firsthand observations through data or broader evidence of a shortage is a more difficult task. To begin with, determining appropriate staffing levels at BOP and, by extension, whether it has sufficient staff (either defined as merely a minimum adequate number or an optimal one) is no simple matter. There is no single definition of what "sufficient" ought to mean in the staffing context. For example, is facility safety the key metric and, if so, would this mean sufficient staff to reduce violence in a facility down to one assault per thousand incarcerated individuals each year or two per thousand? Alternatively, should it reflect the recidivism rate for individuals leaving a facility, and, if so, how low of a recidivism rate is "sufficient?" Further, each correctional facility is a unique environment. The required staff may vary tremendously depending on each facility's layout, security level, and the makeup of its incarcerated population. This is why, for example, BOP maintained an inmate-to-correctional officer ratio in Q4 FY 2020 of 5.3 at the high-security Atwater facility while only having one of 13.8 at the minimum-security Alderson facility ([Federal Bureau of Prisons, 2020](#)).

For its part, BOP does not do nearly enough to resolve the question of adequate staffing since none of its three methods of calculating systemwide staffing needs provide an especially complete or satisfying answer. Its most straightforward approach is to compare current staff numbers against the number of budgeted positions—a figure that is initially proposed by BOP for tacit congressional endorsement during the appropriations process and for which BOP has been unable to provide documentation or even clear explanations to support ([Goodwin, 2021, pp. 12–13](#)). For total staff positions, the data suggest that, while still understaffed, BOP has made meaningful strides in recent years, closing the gap between budgeted and filled positions from 2,880 (7% shortfall) in FY 2018 ([Office of the Inspector General, 2020b, p.2](#)) to 875 (2.3% shortfall) as of the end of FY 2021 ([U.S. Department of Justice, 2020; Federal Bureau of Prisons, n.d.-a](#)). For correctional officers, however, the gap has remained stubbornly large, increasing from 3,295 (16% shortfall) in FY 2018 ([Office of the Inspector General, 2020b, p. 2](#)) to 3,350 (16% shortfall) as of June 2020 ([Office of the Inspector General, 2020a](#)). While reporting in 2021 indicated that this gap surged over the course of the pandemic to 6,684 (32.7% shortfall) as of May 2021 ([Associated Press, 2021](#)), a more recent report from November 2021 claimed that BOP had since reduced the gap down to around 7% ([Blakinger et al., 2021](#)). In addition

to potentially revealing an ongoing shortage of correctional officers, the juxtaposition of these two sets of numbers further suggests that BOP is struggling to maintain the appropriate ratio of correctional officers to total staff to operate its facilities and is actually exceeding its budgeted level for non-correctional officer staff.

Each of these figures, however, must be taken with a grain of salt. Although the shortfall revealed by these numbers is alarming, the manipulability of the number of budgeted positions calls its reliability into some question. In its FY 2018 budget, for example, BOP eliminated 5,100 budgeted positions due to a suggestion from the U.S. Department of Justice's budget office rather than any change in on-the-ground staffing realities ([Goodwin, 2021, p. 17](#)). Thus, budgeted position numbers—for which there are no publicly available rules surrounding their calculation—may reflect BOP's perception of appropriate, or perhaps politically feasible, staffing levels as much as an objective assessment of its facilities' requirements.

The other two methods used by BOP provide even less information on the adequacy of BOP staffing. The second method of analysis involves nonpublic formulas based on BOP's assessment of each facility's particular needs. Yet, the U.S. Government Accountability Office (GAO) reported that, as of January 2020, BOP was still in the process of implementing the guidelines it created in 2012. In addition, GAO further criticized BOP because it was unable to provide documentation on how the guidelines were actually applied at each facility or otherwise aligned with authorized positions ([Goodwin, 2021, pp. 13–14](#)). Inmate-to-staff ratios—the third method—are of limited use agencywide because each facility has unique staffing needs that necessitate different staffing ratios, and ratios typically include all categories of staff, which may fail to reveal shortages (or excesses) in any given position ([p. 14](#)). Thus, while it is encouraging that BOP's inmate-to-staff ratio has dropped from a peak of 4.94 in 2011 ([Maurer, 2012, p. 78](#)) to about 4.1 as of October 1, 2021 ([Federal Bureau of Prisons, n.d.-a](#)), these numbers cannot tell us whether agencywide staffing is sufficient, let alone how any given facility's needs are being met or whether BOP has an adequate number of any given position type. In addition, as mentioned above, at least in recent years, it appears that reductions in the ratio are entirely driven by the addition of non-correctional officer staff.

Although BOP releases little data from which an outside observer could independently assess the adequacy of staffing levels, its use of overtime and augmentation provide one possible insight into BOP's staffing situation. After all, if a

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facility's leadership believes that the facility is facing a situation in which a shift will have an unacceptably low number of staff members, it can ask or require existing staff to work additional shifts. Likewise, in response to longer-term staff retention concerns, it may leverage overtime to enhance staff pay in an effort to retain workers. Sustained and frequent use of overtime could thus indicate suboptimal staff numbers. By this method, BOP appears to be significantly understaffed. The latest data available show that in FY 2019, BOP relied on 6.7 million hours of overtime, which was equivalent to an additional 3,107 full-time employees ([Office of the Inspector General, 2020b, p. 3](#)). Correctional officers alone accounted for just over 4.7 million hours of overtime, which was equivalent to an additional 2,302 full-time correctional officers ([p. 6](#))—a total amounting to about 13.5% of the 16,936 correctional officers BOP actually had on staff that year ([p. 2](#)). Similarly, BOP's reliance in FY 2019 on 325,000 hours of augmentation (equivalent to 156 full-time employees) constitutes a 47% increase from FY 2015 and suggests that the shortage of correctional officers may be especially acute ([Goodwin, 2021, pp. 22–23](#)).

## Potential Sources and Ramifications of Staffing Struggles at BOP

### *Staffing Challenges at BOP*

While a dearth of available data places any quick, quantitative resolution to the staffing question out of reach, an abundance of recruitment and retention challenges at least provides insight into why BOP may be struggling to adequately staff its facilities, whatever the underlying numbers at any given moment. For instance, BOP recently identified four primary drivers of its self-described recruitment problems, though it did not provide evidence supporting its claims ([Goodwin, 2021, pp. 15–17](#)). First, it pointed to the geographic locations of many of its facilities, which are frequently in rural areas or other places where it can be difficult to attract workers. Second, hiring process delays put it at a disadvantage compared to other employers,

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especially in the private sector. Third, the 2017 federal government hiring freeze may have negatively affected its recruitment efforts, and it is still working to overcome that disruption; although DOJ authorized BOP to hire to maintain pre-freeze staffing levels and counteract attrition, BOP management chose not to do so and that year marked the first decline in correctional officer numbers since at least 2012 ([Goodwin, 2021, pp. 16–17](#); [Balsamo & Sisak, 2019](#)). Fourth, the elimination of positions in 2018 in response to budget pressures similarly interrupted and hampered BOP's recruitment efforts. For its part, the Office of Personnel Management (OPM) has stated that it believes that BOP suffers from a retention problem rather than a recruiting one ([Letter from Acting Dir. Rigas, 2020](#)).

Whether the problem at its core is recruitment or retention—and the two bear many commonalities—a host of additional issues make both quite challenging for BOP. The first obstacle is the work environment: prison. Most people do everything in their power to avoid spending any time in a correctional facility, and understandably so. They are dreary, often ill-maintained structures that are filled with some of society's most dangerous individuals. Working within one can be emotionally draining and physically risky. In FY 2019, for example, there were 1,252 reported physical assaults on BOP staff (about one for every 29 staff members; [Bureau of Justice Statistics, 2021](#)). In addition to the potential danger, working in a correctional environment, especially as a correctional officer, is physically taxing, and correctional officers face higher rates of physical health problems than similar professions, including law enforcement ([Ferdik & Smith, 2017, p. 13](#)). The sum is an environment that is a far cry from the model workplace that most prospective employees envision for themselves.

To this relatively unpleasant work environment, many BOP positions add relatively low pay and little public support. A new correctional officer can start as a GS-5 or GS-6 on the federal pay scale ([Federal Bureau of Prisons, n.d.-d](#)), which can amount to as little as \$36,118 to \$40,262 annually (\$17.31 to \$19.29 hourly), including the default 16.2%

locality pay increase ([Office of Personnel Management, n.d.-b](#)). With these amounts only a little ahead of entry-level work at fast food and other typically low-wage employers ([Bureau of Labor Statistics, n.d.](#)), BOP has a true challenge on its hands—enticing workers to accept these wages to come to work in a prison with dangerous individuals day in and day out. At the same time, correctional employees are almost uniformly portrayed negatively in popular media, which can add another psychological burden to the role. ([Ferdik & Smith, 2017, p. 15](#)).

The COVID-19 pandemic has added a host of additional staffing disruptions to these existing factors. Already, BOP staffing policy had to account for a custodial population that can wax or wane by many thousands each year—first with regular increases over the course of a couple of decades of tough-on-crime policies, then more recently with steady reductions following sentencing reforms, and now increases once again under the Biden administration. While the pandemic applied downward pressure on the custodial population, it also placed all manner of new responsibilities, risks, and stresses on staff. As with so many other industries, the combination of these pressures has led, and continues to lead, many BOP employees to reassess their professional choices. In addition, these issues have helped contribute to a current job market experiencing an ongoing labor shortage, with the competition between employers for available qualified workers becoming more fierce ([Mitchell et al., 2021](#)).

### *Consequences of a Staffing Shortfall*

#### **Facility Safety**

The question of adequate staffing at BOP is an especially pressing one and one in which so many policymakers may be willing to err on the side of caution and infer a shortage based on available evidence because the consequences of a shortage are alarming. This starts with the safety of correctional officers and incarcerated individuals, which can be jeopardized by poor staffing. Extensive overtime, for example, can degrade facility safety because correctional officers are not as alert or observant to potential threats. Augmentation may be even more dangerous. While BOP maintains that all employees are capable of assuming correctional officer shifts by virtue of a short basic training course prior to the initiation of employment, this assumption shortchanges the skills and experience necessary to serve as a correctional officer. Augmented employees may have had little meaningful and relevant additional training since their initial orientation—potentially years prior—and are not necessarily familiar with the daily security routines or the nuances of the facility's threat environment. This can place staff at risk as well as make them less able to respond to situations that are dangerous for incarcerated individuals.

The high-profile death in custody of White Bulger highlighted some of these risks, with staff shortages cited in the case ([Hanna, 2018](#)).

Then again, failing to use overtime or augmentation in response to a staff shortage comes with its own risks. Simply accepting fewer staff members on a given shift can imperil staff and incarcerated individuals alike when it pushes a shift's inmate-to-staff ratio too high or leaves a single staff member alone in a unit without adequate backup. Finally, outside of the potential for physical assaults, undermanned facilities may have a reduced ability to respond to other crises, a risk that came to fruition with the COVID-19 pandemic where preexisting staff shortages at some facilities hampered mitigation efforts ([Office of Inspector General, 2020c](#)).

### Staff Retention and Well-Being

Low staff levels create additional stresses on existing staff, potentially further exacerbating the staffing challenges. The excessive use of overtime, especially when it is without warning, mandatory, or requires staff to cover a location other than their usual posting, increases the risk of employee burnout and lowers morale ([Associated Press, 2021](#)). It has also been found to lead to a host of adverse health effects for the workers involved ([Caruso et al., 2004](#)). A lack of spare staffing capacity further means that facilities are less able to afford staff the time to engage in training or professional development that can lead to better job performance and satisfaction ([Goodwin, 2021, p. 24](#)). These kinds of retention issues further compound nearly every other problem at a facility since it means BOP must rely upon a higher percentage of newer, relatively inexperienced correctional officers and staff.

### Facility Programming

In addition to staff missing out on opportunities, staffing shortages can impair the ability of incarcerated individuals to participate in programming or access other services. If a staffing shortage forces a facility to choose between employees essential to the day-to-day operations of a facility, such as correctional officers, and those with long-term programmatic responsibilities, such as educators, short-term security and operations needs will prevail ([Associated Press, 2021](#)). This is why, for example, the acting director of BOP in 2016 decried BOP's reliance on augmentation as interfering with its reentry work ([Kane, 2016](#)). The loss of programming can have significant consequences inside and outside of a facility. Indeed, this served as one of the primary motivations behind the First Step Act's increase in anti-recidivism programs ([Kahn, 2018](#))—initiatives whose successful implementation would be placed in jeopardy by

any staff shortages. Incarcerated individuals potentially lose the opportunity to use their time productively as well as engage in programs that may provide opportunities to earn extra credits toward their sentence. Programming can also reduce the propensity for violence in a facility; in particular, successful completion of educational programming has been found to reduce violent behavior during incarceration ([Pompoco, 2017](#)). Public safety outside of the facility, in turn, will suffer the consequences of fewer anti-recidivism and other programs intended to help incarcerated individuals transition to post-incarcerated life and successfully reintegrate back into the community. Finally, the loss of earned time credits will mean longer incarceration terms, further stressing staffing issues.

### Recommendations to Improve Staffing at BOP

Any effort to bolster BOP staffing must begin with a more full and honest accounting of staffing levels; the present lack of necessary data frustrates any comprehensive assessment of the problem and undermines potential solutions. With better data, policymakers can then accurately determine staffing needs. If a significant shortage is present, policymakers could consider a series of short-term strategies to help boost staffing at BOP by reducing regulatory red tape and better leveraging financial incentives. In addition to these employment-centered actions, policymakers could further alleviate longer-term staffing concerns by modernizing BOP's facilities and safely reducing the custodial population under its supervision, two strategies that could reduce staffing challenges while furthering BOP's core public safety mission.

### Additional Oversight and Transparency

One of the primary staffing problems facing BOP right now is that it cannot reliably say exactly how many staff it requires to effectively operate its facilities. This makes it more difficult to credit—or double-check—its assertions of a staffing crisis or desire for particular staffing authorization levels. Likewise, the fact that BOP's internal staffing formulas remained a neglected work in progress nearly a decade after their initiation casts doubt on BOP's ability to effectively or efficiently use any additional support from Congress without prior or concurrent reforms to BOP management. Available evidence suggests that public concerns over BOP staff levels are well-founded, but more information is necessary to prove this definitively and move to fully remedy the situation.

Additional details on BOP's needs, broken down by position and location, are essential not only to establish hiring targets but also to verify that money earmarked for particular positions, such as correctional officers, is not ending up

diverted to administrative roles or other parts of BOP. With a quarterly reporting structure already in place detailing its inmate-to-staff ratio at each facility, BOP could simply expand these reports to include more of the underlying data about personnel at each facility. At the same time, BOP should cooperate with internal government watchdogs such as the U.S. Department of Justice Office of the Inspector General or the Government Accountability Office to conduct regular assessments of ongoing efforts to remediate staffing issues. Finally, the era of little to no accountability for BOP leaders who have failed to address previously noted staffing issues must end.

### **Grant Agencywide Direct Hire Authority to BOP**

As with other agencies, BOP can request *Direct Hire Authority* from OPM in order to expedite its hiring process. This authority can be for a particular position, facility, or agencywide, and, if granted, provides BOP with greater discretion over hiring, including suspending many of the regulatory requirements. In order to secure direct hire authority, an agency must submit proof of either a “severe shortage of candidates” or a “critical hiring need” ([Office of Personnel Management, n.d.-a](#)). In 2019, BOP requested—but was denied—direct hire authority on an agencywide basis for all positions and again in 2020 for correctional officers ([Goodwin, 2021](#)). Instead, OPM has only granted direct hire authority to BOP on a very limited basis to individual facilities such as U.S. Penitentiary Thomson in Illinois in August 2021—and even then, only after political pressure was applied ([Hayden, 2021](#)).

As detailed above, BOP appears to have a strong argument that it faces a “critical hiring need” throughout its agency, at least as it pertains to correctional officers, and likely a “severe shortage of candidates” at some of its more remote or otherwise difficult to recruit for facilities. Expanding direct hire authority agencywide in line with BOP’s earlier requests or in a slightly more targeted manner could help reduce the 91-day average time to hire at BOP—well above averages for sectors such as private security (11.6 days) or manufacturing (24.6 days), for example—and thereby provide some immediate relief to BOP’s recruitment process woes ([Russo et al., 2018, p. 16](#)). A streamlined hiring process would help BOP become more competitive vis-à-vis other potential employers and help employees it attracts assume their new roles sooner. Further, from a political standpoint, there is broad support for this kind of proposal; in March 2020, 47 senators from both parties requested OPM grant direct hire authority to BOP ([Letter from Sens. Joni Ernst et al., 2020](#)).

### **Expanded Use of Veterans’ Recruitment Appointment Usage**

BOP could similarly cut through some of the hiring regulatory red tape by more extensively tapping into Veterans’ Recruitment Appointment to fill its positions. Veterans’ Recruitment Appointment essentially operates as a limited form of direct hire authority that is exclusive to veterans who fall into a few broad categories, such as disabled veterans or those recently honorably discharged from service ([USA Jobs, n.d.](#)). In the past, BOP has run special hiring events pursuant to this authority to attract more veterans, and it should consider developing plans to expand the frequency or scale of these kinds of events ([Federal Bureau of Prisons, 2021b](#)). A longer-term addendum to this hiring strategy could be for Congress to revisit this program and potentially expand or replicate it for individuals with similar backgrounds in law enforcement or other public safety positions. Doing so would make it easier for BOP and other federal agencies to hire while recognizing the service and skills of the law enforcement community.

### **Better Utilization of Financial Incentives**

Properly targeted financial incentives could further improve BOP’s recruitment and retention outlook by closing the pay gap between BOP and other employers. Indeed, OPM has endorsed retention incentives in particular as one of the “most efficacious solutions” to BOP’s staffing problems ([Letter from Acting Dir. Rigas, 2020](#)). Although BOP currently uses both recruitment and retention incentives, it has not analyzed their effectiveness, and the top line figures suggest more could be done to leverage them. For example, despite BOP’s earlier requests for direct hire authority across all locations, suggesting a widespread staff shortage, as of October 4, 2021, it had announced recruitment incentives for only 13 of its 122 facilities ([Federal Bureau of Prisons, 2021a](#)).

On the retention side of the equation, in FY 2019, BOP offered employees 5,011 retention incentives, of which 4,617 were accepted for a total of \$22 million ([Goodwin, 2021, pp. 26–27](#)). While a breakdown for FY 2019 is unavailable, as of FY 2016, its retention incentives went disproportionately to staff at four facilities in California (59%) and medical staff at all other facilities (39%) ([Government Accountability Office, 2017, p. 11](#)). That means that a mere 2% of retention incentives (amounting to only \$280,000 in FY 2016) went to non-medical employees outside of California. For the majority of employees at BOP in FY 2016, retention incentives effectively did not exist. The relatively low pay at facilities in California vis-à-vis peer institutions, and similarly low pay for medical professionals systemwide may justify prioritizing incentives for these locations and

roles ([Government Accountability Office, 2017, p. 11–16](#)). However, the pay issue is hardly confined to those facilities or roles. In particular, additional investments in retention incentives might increase the chances of stemming some of the departures driving correctional officer shortages at non-California facilities. Although some of this imbalance may have been corrected in more recent years, including through the addition of an agencywide retention incentive of 5% for all employees eligible to retire in 2019 ([Caraval, 2021](#)), this disparity suggests that there may be additional opportunities for BOP to use retention incentives.

Another financial strategy that could address recruitment and retention as well as potentially the quality of BOP's workforce writ large would be to address staff pay, especially for correctional officers. As noted, correctional officers can begin as either a GS-5 or GS-6, which can translate into a starting annual salary as low as \$36,118 to \$40,262 ([Office of Personnel Management, n.d.-b](#)). This puts their starting pay potentially only a little above employers such as Chipotle and Target ([Thorbecke, 2021](#); [Thomas, 2021](#)). This means that starting correctional officer pay may only be considered competitive when stacked up against private sector employers recruiting for roles requiring little education or experience; factor in the necessity of spending all day confined in a prison alongside potentially dangerous individuals, and BOP may even come out behind in this competition. At the same time, BOP does not aim to compete with these kinds of employers for employees; starting as even a GS-5 still requires a four-year college degree, three years of general experience, or one year of specialized experience ([Federal Bureau of Prisons, n.d.-d](#)). Compared with other employers recruiting college graduates, BOP's disadvantage becomes even greater. While BOP—and the federal government writ large—must act as good stewards of taxpayer dollars, the stakes involved in corrections work make it an especially poor place to try to save money through lower wages. Higher salaries would allow BOP to not only compete for prospective (or keep current) employees who merely meet minimum requirements but potentially also reach more qualified candidates who might have higher-paying alternatives.

### ***Improve BOP's Facilities***

Although the nature of corrections will likely prevent BOP from ever creating an especially glamorous or relaxed work environment, that does not mean that the drudgery and horror so common in media depictions or revealed in negative exposés of prisons is somehow unavoidable. BOP's physical workplaces—its correctional facilities—are susceptible to change, and if it invests in improving them, it will be able to increase job satisfaction among its employees as well

## **Eliminating facility problems before they can metastasize requires BOP to adopt, in concert with congressional appropriators, a more aggressive approach to improving its roster of facilities.**

as conditions and outcomes for incarcerated individuals. Revitalizing its facilities in this manner could serve to aid BOP's recruitment and retention of employees while also furthering its public safety mission.

Eliminating facility problems before they can metastasize requires BOP to adopt, in concert with congressional appropriators, a more aggressive approach to improving its roster of facilities. Although the Federal Facilities Council Standing Committee on Operations and Maintenance recommends that BOP fund facility maintenance programs at a minimum of 2–4% of their replacement value annually, over the last decade BOP has only spent 0.25–0.53% annually ([U.S. Department of Justice, 2021, p. 5](#)). This equates to funding below recommended levels of between half a billion to a billion dollars each year, with delayed required maintenance potentially increasing costs further due to inflation and additional deterioration of the facilities—estimated by the U.S. Department of Justice to be around 5% per year of delay ([p. 7](#)). Years of underinvestment in infrastructure may mean that BOP would be unprepared to efficiently and effectively allocate a sudden doubling or tripling of this budget; however, congressional appropriators ought to continue the gradual upward trend in the “Modernization and Repair” budget of recent years that has seen it rise from 0.26% of replacement value in FY 2019 to 0.53% in FY 2022.

In addition, more ambitious plans to upgrade existing facilities to better reflect best practices in facility design could create a more attractive work environment for prospective employees and, research indicates, could also positively influence inmate rehabilitation ([St. John, 2020](#)). Over the last decade or so, a raft of research has transformed understanding of prison design ([Kriminalvården, 2018](#)). In particular, the benefits of a “normalized” environment facilitating greater staff interaction with incarcerated individual over a prior emphasis on stark, “institutional” designs that sought to minimize stimulation and furnishings ([pp. 14–16](#)). Policymakers should aim to bring current facilities

## In the course of reassessing its present facilities and needs, it may make sense for BOP to construct replacement facilities that are able to wholly embrace modern knowledge on rehabilitative correctional environments.

into better line with this research and shutter any facilities unable to meet these higher standards; only eliminating unlivable housing conditions should not be the end goal of facility modernization or maintenance. BOP may also benefit from further consolidation of its facilities, which would allow it to concentrate staff resources and focus maintenance and renovation efforts on fewer locations. In the course of reassessing its present facilities and needs, it may make sense for BOP to construct replacement facilities that are able to wholly embrace modern knowledge on rehabilitative correctional environments. It may simply not be feasible, for example, to expect a 50-year-old prison in the old “institutional” housing model to be able to be adapted into a “normalized” housing environment. The creation of new facilities would also allow BOP to select sites that better account for local job market conditions and the ease of staff recruitment in an area more generally, not to mention the source communities of incarcerated individuals.

### *Reducing the Custodial Population*

Some of the most powerful policies with the potential to dramatically alter the staffing outlook at BOP, as well as help it achieve its public safety-oriented goals, are those affecting the size and composition of the custodial population itself, which is the primary driver of staffing requirements. Even more so than at the state level, whose officials must respond to and handle all manner of crime both serious and minor, prosecutions at the federal level are prosecutions of choice. Nearly every offense under federal law has a state law analog, or, at least for more egregious conduct, is susceptible to some form of state charge—a shift that does not necessarily eliminate the need for incarceration but at least empowers local authorities to wield greater control over crime policy. Similarly, unlike their local counterparts, federal agents are generally not patrolling the streets or responding to 911 calls, and federal prosecutors have even greater discretion to select cases, defer to local prosecutors, or even ignore behavior entirely if there is no meaningful

nexus to public safety. As a result, the custodial population under BOP’s supervision is much more malleable than any at the state level, meaning that federal policymakers have a greater ability to influence how large it is and who is in it. Targeted policies that limit incarceration to only those individuals for whom there is no viable alternative sanction, such as home confinement or probation, or for periods no longer than necessary to achieve society’s criminal justice goals would ease the supervisory burden on BOP since fewer incarcerated individuals generally require fewer staff.

For its part, BOP can reduce some of the incarceration pressures it labors under by redoubling its efforts to support anti-recidivism programs and other rehabilitative efforts. To this end, it should also approve home confinement for additional low-risk individuals; its current policy restricts this option unnecessarily ([Matevousian et al., 2021](#)), such as through a blanket bar on anyone with a prior violent offense on their record—a policy that may appear logical on its face but fails to account for the possibility that such an offense is especially antiquated or minor and the individual involved rehabilitated. As a general matter, it should also decline to seek the immediate return to prison for individuals who have only committed a technical violation such as missing a probation officer’s phone call—as opposed to an alleged new offense—except in extraordinary circumstances. Overall, a move away from a more punitive mindset to one that stresses the rehabilitative elements of work at BOP could further increase job satisfaction, since it represents a more positive and fulfilling aspect of working within the correctional system ([Russo, 2019](#)).

### **Conclusion**

Working in a correctional environment, especially as a correctional officer, can be incredibly hard, even in relatively supportive conditions. Risks to employees’ physical and mental health compound with relatively low pay and other bureaucratic hurdles to make recruiting and retaining quality staff members quite difficult. At present, the available evidence suggests that BOP may be struggling to fight these forces and adequately staff its facilities, at least in terms of correctional officers, though the exact extent of its staffing shortage is impossible to ascertain with the information available.

The first step is for BOP to do a better job of quantifying and detailing the nature of any shortage in order to more accurately determine facility needs. Given the life-threatening effects of staffing shortages in these dangerous work environments, policymakers should immediately demand comprehensive audits of BOP facilities so they can responsibly act as soon as possible. The consequences of

a staff shortfall hit staff and incarcerated individuals most severely, but they also ripple out into the wider community. Poorer facility safety, for example, impairs BOP's ability to fulfill its rehabilitative, public safety-enhancing mission. Stopgap measures such as overtime and augmentation come with human costs while only further exacerbating negative long-term staffing trends.

Leveraging authorities that suspend some of the regulatory rules making hiring more difficult could help begin the process of turning this tide, but longer-term structural changes

are necessary to truly improve the staffing outlook at BOP. This means, in addition to improving BOP operations and employment-related procedures, upgrading its physical infrastructure as well as addressing the size and composition of the incarcerated population. Only through such a comprehensive effort will BOP have the staff that it needs to fulfill its critical mission and role within the federal criminal justice system. ★

## References

- Associated Press. (2021, May 21). *Federal prisons forced to use cooks, nurses to guard inmates due to staff shortages*. NBC News. <https://www.nbcnews.com/news/us-news/federal-prisons-forced-use-cooks-nurses-guard-inmates-due-staff-n1268138>
- Balsamo, M., & Sisak M. R. (2021, May 7). *AP sources: Staffing hampered response to prison suicide*. Associated Press. <https://abcnews.go.com/Politics/wireStory/ap-sources-staffing-hampered-response-prison-suicide-77944674>
- Blakinger, K., Lartey J., Schwartzapfel, B., Sisak, M., & Thompson, C. (2021, November 1). *As corrections officers quit in droves, prisons get even more dangerous*. The Marshall Project. <https://www.themarshallproject.org/2021/11/01/as-corrections-officers-quit-in-droves-prisons-get-even-more-dangerous>
- Bureau of Justice Statistics. (2021, February). *Federal prison statistics collected under the First Step Act, 2020*. U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/fpscfsa20.pdf>
- Bureau of Labor Statistics. (n.d.). *Average hourly earnings of all employees, food services and drinking places, not seasonally adjusted*. Retrieved January 25, 2022, from [https://data.bls.gov/timeseries/CEU7072200003?amp%253bdata\\_tool=XGtable&output\\_view=data&include\\_graphs=true](https://data.bls.gov/timeseries/CEU7072200003?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true).
- Caruso, C. C., Hitchcock, E. M., Dick, R. B., Russo, J. M., Schmit, J. M. (2004). *Overtime and Extended Work Shifts: Recent Findings on Illnesses, Injuries, and Health Behaviors*. National Institute for Occupational Safety and Health. <https://www.cdc.gov/niosh/docs/2004-143/pdfs/2004-143.pdf>.
- Carvajal, M. D. (2021, April 15). *Statement before the Committee on Judiciary, U.S. Senate, for a hearing on “oversight of the Federal Bureau of Prisons”* [Testimony]. U.S. Senate Judiciary Committee. <https://www.judiciary.senate.gov/imo/media/doc/BOP%20Director%20-%20%20Written%20Statement%202021-04-15%20SJC%20Hearing%20.pdf>
- Fausey, S. (2021, April 15). *Statement before the Committee on Judiciary, U.S. Senate, “oversight of the Federal Bureau of Prisons”* [Testimony]. <https://www.afge.org/globalassets/documents/congressional-testimony/2021/cpl33-statement-4-15-21-senate.pdf>
- Federal Bureau of Prisons. (n.d.-a). *Agency*. Retrieved October 1, 2021, from <https://www.bop.gov/about/agency/>
- Federal Bureau of Prisons. (n.d.-c). *Locations*. Retrieved October 1, 2021, from <https://www.bop.gov/locations/>
- Federal Bureau of Prisons. (n.d.-d). *Correctional officer*. Retrieved October 1, 2021, from <https://www.bop.gov/jobs/positions/index.jsp?p=Correctional%20Officer>
- Federal Bureau of Prisons. (2021a, October 4). *Efforts to increase staffing continue*. Retrieved October 13, 2021, from [https://www.bop.gov/resources/news/20211004\\_bop\\_hiring.jsp](https://www.bop.gov/resources/news/20211004_bop_hiring.jsp)
- Federal Bureau of Prisons. (2021b, July 9). *Hiring events scheduled for July*. [https://www.bop.gov/resources/news/20210709\\_bop\\_hiring.jsp](https://www.bop.gov/resources/news/20210709_bop_hiring.jsp)
- Federal Bureau of Prisons. (2020). *BOP hiring and staffing report, FY 2020 4<sup>th</sup> quarter report*. [https://www.bop.gov/about/statistics/docs/inmate\\_to\\_co\\_ratio\\_2020\\_q4.pdf](https://www.bop.gov/about/statistics/docs/inmate_to_co_ratio_2020_q4.pdf)
- Ferdik, F. V. & Smith, H. P. (2017). *Correctional officer safety and wellness literature synthesis*. National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/250484.pdf>
- Garland, M. (2021, Oct. 27). *Statement before the Committee on Judiciary, U.S. Senate, for a hearing on “oversight of the Department of Justice”* [Testimony]. U.S. Senate Judiciary Committee. <https://www.judiciary.senate.gov/meetings/10/20/2021/oversight-of-the-department-of-justice>
- Goodwin, G. L. (2021). *Opportunities exist to better analyze staffing data and improve employee wellness programs*. U.S. Government Accountability Office. <https://www.gao.gov/assets/gao-21-123.pdf>

- Government Accountability Office. (2017). *Better planning and evaluation could help ensure effective use of retention incentives*. <https://www.gao.gov/assets/gao-18-147.pdf> pg. 9
- Hanna, J. (2018, November 3). 'Whitey' Bulger was prison's 3<sup>rd</sup> slain inmate this year, and lawmakers were warning about its violence. CNN. <https://www.cnn.com/2018/11/03/us/james-whitey-bulger-killed-prison-staffing/index.html>
- Harmon, T. (2021, September 30). *Here's why morale is reportedly 'horrific' at the federal prison complex near Florence*. The Pueblo Chieftain. <https://www.chieftain.com/story/news/2021/09/30/federal-prison-workers-protest-staffing-shortage-safety-issues/5921824001/>
- Hayden, S. (2021, August 9). Thomson prison cleared to expedite hiring of 65 additional correctional officers. *Quad-City Times*. [https://qctimes.com/news/local/govt-and-politics/thomson-prison-cleared-to-expedite-hiring-of-65-additional-correctional-officers/article\\_cc2e7ad4-5f19-5a79-afc0-4b80cd4a9a0d.html](https://qctimes.com/news/local/govt-and-politics/thomson-prison-cleared-to-expedite-hiring-of-65-additional-correctional-officers/article_cc2e7ad4-5f19-5a79-afc0-4b80cd4a9a0d.html)
- Kahn, M. (2018, December 18). *Landmark criminal justice reform bill clears Senate*. ABC News. <https://abcnews.go.com/Politics/landmark-criminal-justice-reform-bill-clears-senate/story?id=59898475>
- Kane, T. R. (2016). *Augmentation*. Federal Bureau of Prisons. [https://cdn.ymaws.com/coausphs.org/resource/resmgr/lettersandnewsmedia/bop/bop\\_augmentation\\_memo\\_2016.pdf](https://cdn.ymaws.com/coausphs.org/resource/resmgr/lettersandnewsmedia/bop/bop_augmentation_memo_2016.pdf)
- Kriminalvården. (2018). *How architecture and design matter for prison services: a rapid review of the literature*. Swedish Prison and Probation Service Research and Evaluation Unit. <https://www.euopris.org/wp-content/uploads/2019/05/Rehabilitation-Report-SPPS-Literature-Review-prison-architecture-and-design.pdf>
- Letter from Acting Dir. Rigas, to Sen. Joni Ernst. (2020, April 23). <https://knowlegis.cq.com/file/download/TVbL2bRQUg/OPM+Signed+response+to+47+Senators+concerning+BOP+Direct-Hire+Authority.pdf>
- Letter from Sens. Joni Ernst, Richard Durbin., John Thune, Diane Feinstein, David Perdue, Doug Jones, Todd Young, Jeanne Shaheen, Robert Casey Jr., Amy Klobuchar, Michael Bennet, Sherrod Brown, Charles Grassley, Tim Kaine, Ron Johnson, Catherine Cortez Masto, Tim Scott, Jerry Moran, Cindy Hyde-Smith, ... Jacky Rosen to Director Dale Cabaniss. (2020, March 11). <https://afge4070.org/senator-ernst-and-senator-durbin/>
- Matevousian, A., Thompson, S. D., and Smith, M. (2021, April 13). *Memorandum for chief executive officers: Home confinement*. Federal Bureau of Prisons. [https://www.fd.org/sites/default/files/news/2021.4.13\\_-\\_bop\\_home\\_confinement\\_cares\\_memo.pdf](https://www.fd.org/sites/default/files/news/2021.4.13_-_bop_home_confinement_cares_memo.pdf)
- Maurer, D. C. (2012). *Growing inmate crowding negatively affects inmates, staff, and infrastructure*. U.S. Government Accountability Office. <https://www.gao.gov/assets/gao-12-743.pdf>
- Mitchell, J., L. Weber & S.C. Cambon. (2021, October 14). 4.3 million workers are missing. Where did they go? *The Wall Street Journal*. <https://www.wsj.com/articles/labor-shortage-missing-workers-jobs-pay-raises-economy-11634224519>
- Office of Personnel Management. (n.d.-a). *Policy, data, oversight: hiring information*. Retrieved October 1, 2021, from <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/#url=Fact-Sheet>
- Office of Personnel Management. (n.d.-b). *Salary table 2022-GS*. Retrieved October 1, 2021, from <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/saltbl.pdf>
- Office of the Inspector General. (2021). *Remote inspection of Federal Correctional Complex Coleman*. U.S. Department of Justice. <https://oig.justice.gov/sites/default/files/reports/21-026.pdf>
- Office of the Inspector General. (2020a). *Top management and performance challenges facing the Department of Justice-2020*. U.S. Department of Justice. <https://oig.justice.gov/sites/default/files/reports/2020.pdf>
- Office of the Inspector General. (2020b). *Analysis of the Federal Bureau of Prisons' Fiscal Year 2019 Overtime Hours and Costs*. U.S. Department of Justice. <https://oig.justice.gov/sites/default/files/reports/21-011.pdf>

- Pompoco, A. (2017, May 22). Reducing inmate misconduct and prison returns with facility education programs. *Criminology & Public Policy*, 16(2), 515–47. <https://onlinelibrary.wiley.com/doi/10.1111/1745-9133.12290>
- Russo, J. (2019, December 1). *Workforce issues in corrections*. National Institute of Justice. <https://nij.ojp.gov/topics/articles/workforce-issues-corrections>
- Russo, J., D. Woods, G.B. Drake & B.A. Jackson. (2018). *Building a high-quality correctional workforce: identifying challenges and needs*. RAND Corporation. [https://www.rand.org/pubs/research\\_reports/RR2386.html](https://www.rand.org/pubs/research_reports/RR2386.html)
- St. John, V. J. (2020, May 9). Placial justice: restoring rehabilitation and correctional legitimacy through architectural design. *SAGE Open*, 10(2). <https://doi.org/10.1177%2F2158244020919503>
- Swan, B. (2021, June 25). Union boss: Bureau of Prisons faces dangerous cash crunch. *Politico*. <https://www.politico.com/news/2021/06/25/bureau-of-prisons-cash-crunch-496311>
- Thomas, L. (2021, September 2). *Walmart hikes hourly pay by \$1 for more than 550,000 workers ahead of the holidays*. CNBC. <https://www.cnbc.com/2021/09/02/walmart-hikes-hourly-pay-by-1-for-over-550000-workers.html>
- Thorbecke, C. (2021, May 21). *As restaurants raise wages, workers see moment for industry-wide change*. ABC News. <https://abcnews.go.com/Business/restaurants-raise-wages-workers-moment-industry-wide-change/story?id=77688268>
- USA Jobs. (n.d.). *Veterans' recruitment appointment*. Retrieved October 4, 2021, from <https://www.usajobs.gov/help/working-in-government/unique-hiring-paths/veterans/vra/>
- U.S. Department of Justice. (2021). *FY 2022 performance budget congressional submission federal prison system buildings and facilities*. <https://www.justice.gov/jmd/page/file/1398296/download>
- U.S. Department of Justice. (2020). *Federal Prison System (BOP) FY 2021 Budget Request at a Glance*. <https://www.justice.gov/doj/page/file/1246666/download#:~:text=The%20FY%202021%20budget%20request,Organization%3A&text=The%20BOP%20is%20managed%20from,Office%20located%20in%20Washington%2C%20DC.>



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